

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Shango Damballah, #137525,)	
)	C.A. No. 2:08-3674-HMH-RSC
Plaintiff,)	
)	
vs.)	OPINION AND ORDER
)	
South Carolina Department of Corrections;)	
Jon E. Ozmint, Director of SCDC; George)	
T. Hagan, Warden of ACI; Lt. Verlese)	
Black, ACI Property Control; Lt. George)	
Jenkins, ACI Contraband Control; sued for)	
damages and declaratory and injunctive)	
relief,)	
)	
Defendants.)	

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Robert S. Carr, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the magistrate judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1) (2006).

The parties filed no objections to the Report and Recommendation. In the absence of objections to the magistrate judge's Report and Recommendation, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Carr's Report and Recommendation and incorporates it herein. It is therefore

ORDERED that the Plaintiff's motion, docket number 35, is granted and this action is dismissed; and it is further

ORDERED that as a special condition of this dismissal, the Plaintiff is barred from bringing this action a second time unless he first reimburses the Defendants for the cost of removing this action to this court and the cost of preparing an answer.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
April 20, 2009

NOTICE OF RIGHT TO APPEAL

The Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.